

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

July 7, 2016



Right-of-way Abandonment case no. RA16-05: a portion of Rabbit Lane

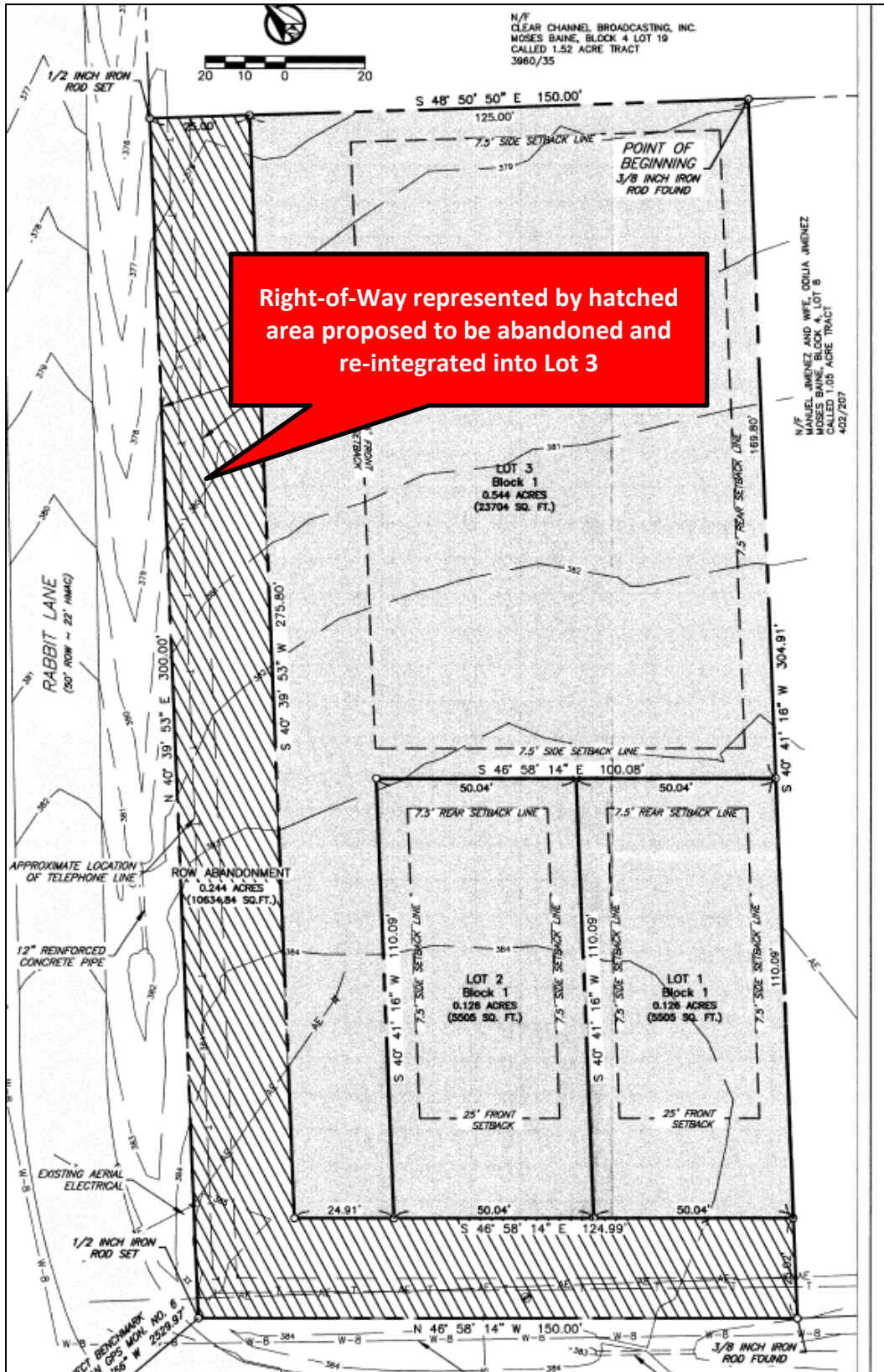
SIZE AND LOCATION: approximately 0.244 acres (12,000 square feet) of public street right-of-way for Rabbit Lane specifically along the northeast and southeast sides of Rabbit Lane adjacent to Block 1 of Trail's End Subdivision, located generally north from the intersection of Rabbit Lane and Nancy Street

APPLICANT(S): Jimmy D. Ford

STAFF CONTACT: Randy Haynes, AICP, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested right-of-way abandonment, subject to a condition (see page 3 of this staff report).





Right-of-Way represented by hatched area proposed to be abandoned and re-integrated into Lot 3

RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

On October 15, 2015, the Planning and Zoning Commission approved the Final Plat of the Trail's End subdivision which created 3 lots intended for single-family residential use on 1.041 acres of vacant land, as well as 12,000 square feet of additional public street right-of-way for Rabbit Lane.

The City's Thoroughfare Plan indicates the need for a minor arterial roadway extending generally northwest from Austin's Colony Parkway, passing along the rights-of-way of Clark's Lane and Rabbit Lane. Rabbit Lane continues northwest from FM974 to the Old San Antonio Road (OSR) for a distance of approximately 5.7 miles. Along most of its length Rabbit Lane has 50 feet of right-of-way. According to the Unified B/CS Design Guidelines, minor arterial streets should have at least 100 feet of right-of-way. With the final plat, the developer dedicated half the increment necessary (25 feet) to make Rabbit Lane a 100-foot wide right-of-way along the length adjacent to the subject property.

Subsequent to the dedication with the approval and recording of the final plat, as part of the preliminary discussions regarding amendment to the existing thoroughfare plan, it was decided that a different route in the immediate vicinity of the subject property would probably a more efficient use of land and public resources. Rather than following the existing right-of-way of Rabbit Lane the recently dedicated right-of-way may be better utilized for private purposes.

The applicant, Jimmy D. Ford, is requesting the official abandonment of the same portion of public road right-of-way for Rabbit Lane that was dedicated by the final plat approved in October 2015. It is the intent of the applicant to formally re-integrate the subject tract with his ownership of the adjoining land.

The right-of-way requested to be abandoned is 0.244 acres in area, and since dedicated upon recording of the final plat on December 15, 2015, has not been improved with a driving surface nor is it in public use.

Mr. Ford has also submitted a replat request to consolidate the land requested to be abandoned into Lot 3 of the Trail's End Subdivision. That replat request, case no. RP16-15, is now scheduled for consideration by the Planning and Zoning Commission during its meeting on July 21, 2016. Approval of that replat would be contingent upon prior approval by the City Council of this right-of-way abandonment request.

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights of way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS AND RECOMMENDATION:

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The right-of-way requested to be abandoned will be functionally integrated with adjacent land and made available for development. Abandoning the subject right-of-way, will not interfere with the smooth circulation of vehicular or pedestrian traffic.

The Site Development Review Committee and staff recommend **approving** the request to abandon this portion of public street right-of-way, **subject to the condition that a formal replat encompassing all property which the applicant owns or will own after abandonment of this right-of-way is filed with the City for recording.** Abandoning the subject right-of-way, as recommended, will allow this land to be integrated with adjacent land and, therefore allow efficient and orderly urban development. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.